

REMARKS

Applicants reply to the final Office Action dated November 24, 2009, within three months, along with filing an RCE. Claims 1, 9, 21-22 and 28-29 were pending in the application. The Examiner rejects claims 28 and 29. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Applicants thank the Examiner for allowance of Claims 1, 9 and 21-22.

The Examiner rejects claims 28 and 29 under 35 USC 102(e) as being anticipated by Terada et al, U.S. Publication 2007/0086281 ("Terada"). Applicants respectfully disagree with these rejections, but Applicants amend claim 28 (without prejudice or disclaimer) in order to clarify the patentable aspects of the claim and to expedite prosecution.

Applicants amend claim 28 to include similar elements as claim 1, which is deemed allowable by the Examiner. Support for these amendments can be found on at least on paragraph 230 of the original English Language specification. Claim 28 is a product claim directed to an information recording medium. Claim 1 is a product claim directed to an information recording apparatus which records on the information recording medium of claim 28.

Terada uses a TDFL (temporary defect list) to store normal or alternate-address information. The information is known to be valid or not based on the alternate address information restructuring process disclosed in Fig 24 of Terada. Furthermore, in Terada, a flag is set indicating that data has been written to an alternative location.

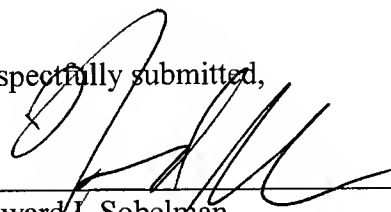
In particular, the Terada invention uses a defect management list (DFL) recorded in a specific area (disc definition structure (DDS)). The method of data writing disclosed in Figs. 17-20 of the specification is different from that disclosed in the amended claims. In the invention disclosed in Terada, if writing occurs without an error, a space bitmap is stored in a cache memory, which is searched for a bit corresponding to a cluster in which data has been written. The bit is then set to a value indicating that data has been written into the cluster. If an error has occurred in the writing process, and the data has been recorded at a different location (inner space area (ISA) or outer space area (OSA)), a bit corresponding to the cluster in the ISA/OSA is set. However, the temporary defect management list (TDML) must also be updated in the cache memory which must contain a margin allowing an entry of alternate-address information. The TDMA must also be written to the disk at the end of the write process.

As such, Applicants assert that Terada does not disclose or contemplate at least “such that when reproducing the information recorded by a recording apparatus on the information recording medium by a reproduction apparatus, in response to a reproduction instruction for the first address information from the reproduction apparatus, wherein the reproduction instruction includes the third address, the correlation information is referenced to by the reproduction apparatus so as to determine the fourth address based on the third address such that the reproduction apparatus reproduces the second address information based on the determined fourth address instead of reproducing the first address information,” as recited in independent claim 28.

Claim 29 is dependent from claim 28, so Applicants assert that claim 29 is differentiated from the cited reference for the same reasons as set forth above, in addition to its own unique features.

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited reference. Accordingly, Applicants respectfully request allowance of the pending claims. Should the Examiner have any suggestions to place the application in even better condition for allowance, Applicants request that the Examiner contact the undersigned representative at the telephone number listed below. The Commissioner is authorized to charge any fees due or refund any overpayment to Deposit Account No. 19-2814, including extension of time fees, if needed.

Respectfully submitted,



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